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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,125	04/19/2004	Michael David Burke	00326P00140US	2309
32116 7590 01/21/2009 WOOD, PHILLIPS, KATZ, CLARK & MORTIMER 500 W. MADISON STREET SUITE 3800 CHICAGO, IL 60661				
EXAMINER				
GORTAYO, DANGELINO				
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2168				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/827,125

**Applicant(s)**

BURKE, MICHAEL DAVID

**Examiner**

DANGELINO N. GORTAYO

**Art Unit**

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. In the amendment filed on 11/3/2008, claims 21-34 have been amended. The currently pending claims considered below are Claims 21-34.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 21-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Anand et al. ("Anand" US Patent 5,832,496)

**As per claim 21**, Anand discloses "A computer-based system for bench-marking of business performance for a high level summary of business results which target scarce business resources at business change over a finite period of time," (see Abstract, figure 10, column 1 lines 26-38, column 4 lines 8-32, column 18 lines 38-56)

"comprising (a) a single screen;" (Figure 6 and column 17 lines 5-12, "primary overlay")

"(b) means to assimilate static data into the system via an interviewing procedure;" (column 4 lines 48-57, column 5 lines 12-16, lines 24-31, column 13 lines 1-

21, wherein access to data defining data is provided by an Enterprise Information factory)

"(c) means to assimilate balance data into the system;" (column 4 lines 48-57, column 6 lines 55-66, wherein data stored in a database is retrieved from data warehouses)

"(d) means to provide mapping of and a standardized structure of said static and balance data as a summary report;" (Figure 12, column 3 line 66 – column 4 line 7, column 12 lines 22-65, column 16 lines 46-52, column 18 lines 38-59, and column 45 line 40 – column 46 line 21, wherein mapping from business concepts to database entities is provided and a summary page is generated in a specific format)

"(e) means to provide an iterative sign-off report;" (Figure 6 reference 122, Figure 12, column 6 lines 29-34, column 11 lines 3-32, column 15 lines 44-61, column 17 line 52 – column 18 line 4, and column 18 lines 38-59, wherein a summary page is provided to be used by an end user analyst)

"(f) means to produce a separate report for each of a group of high level groupings of a particular node of a business;" (Figure 6 reference 112, Figure 12, 16, 17, 18, column 14 lines 47-58, column 18 lines 5-9, lines 48-59, column 38 lines 34-57, and column 39 lines 27-36, wherein groups of objects are in a hierarchy and can be grouped automatically or by a user, to provide a report)

"(g) said separate reports being used during sign-off from the system to provide sign-off sheet categories" (column 10 line 8 - column 11 line 20, column 17 line 47 -

column 18 line 20, wherein the reports can be saved and the application closed to display a report)

"(h) drag and drop means whereby to display a normalized structure" (column 29 lines 38-44, column 30 lines 41-54, wherein a user can make drag and drop operations to the manager window representing data)

"and (i) means to trigger bench-mark calculations which check the said reports for mapping changes and which are reviewed by a user of the system," (column 3 lines 42-47, column 4 lines 57-60, column 10 lines 8-40, column 40 lines 23-37, wherein an analyst and exception analyst analyzes data for events such as user updating data, and can be analyzed by a user to be saved or run and executed again) "whereby to provide an analysis of a business comprising a relational data base management system (RDMS) and a visual basic front-end." (column 7 lines 17-26, lines 45-65, column 18 lines 38-56, wherein a database stores data and a client computer uses a GUI for user manipulation)

**As per claim 22, Anand** discloses "the means to assimilate data comprises a data base and graphical user interface whereby to standardized static data input." (column 7 lines 17-26, lines 45-65)

**As per claim 23, Anand** discloses "wherein the drag and drop means whereby to display a normalized structure comprises the graphical user interface." (Figures 6, 12, column 6 lines 47-54, column 17 line 5 - column 18 line 20, column 30 lines 27-54)

**As per claim 24,** Anand discloses "there are sign off sheet categories adapted to group input data and to replay said data for formal sign off." (Figure 6, column 17 lines 52-59, column 18 lines 5-9, lines 38-59)

**As per claim 25,** Anand discloses "there is dictionary means adapted to relate to nodal points of a structure, and refer to exclude data related to discrete nodal points." (column 6 lines 55-66, column 15 lines 38 – column 16 line 35)

**As per claim 26,** Anand discloses "the said data is related to criteria related to or associated with a discrete nodal point." (column 16 lines 18-43)

**As per claim 27,** Anand discloses "there is a relational data base management system and a visual front end system" (column 7 lines 17-26, lines 45-65)

**As per claim 28,** Anand discloses "the RDMS forms at least part of the means to assimilate static data and comprises a plurality of discrete store tables for data." (column 15 lines 37-43 and column 7 lines 45-56)

**As per claim 29,** Anand discloses "the store tables are selected from the group comprising respectively tables to store source data, standardized structures and definitions, translated data, benchmarking results and/or allocations and security and audit functions." (column 45 line 29 – column 46 line 57, wherein tables in a database are shown showing categories of entities set up during installation)

**As per claim 30,** Anand discloses "the visual front end system is adapted to manipulate data of the relational data base management system." (column 6 lines 48-54)

**As per claim 31, Anand** discloses "the visual front end system comprises respective means for loading data, manipulation of standardized structures and definitions, mapping, translation of data into standardized format, calculation of results, reporting and administration." (Figures 6, 7A, 7B, 7C, 7D, 7E, 8A, 8B, 9A, 9B, 9C, 10, 11, and column 6 lines 48-54)

**As per claim 32, Anand** discloses "means for loading data comprising means for handling data comprising static data, reporting structure, balance and metric data." ."  
(column 14 lines 47-58)

**As per claim 33, Anand** discloses "the means for administration comprises means for providing security and/or audit trail facilitation." (column 7 line 66 – column 8 line 29, wherein a user can have client and system administrator privileges determined by a log-in module)

**As per claim 34, Anand** discloses "the business comprises investment banking"  
(column 12 lines 8-28, wherein the system is used to handle business concepts)

### ***Response to Arguments***

3. Applicant's arguments, see page 6, filed 11/3/2008, with respect to the rejection under 35 USC 102(b) have been fully considered but are not persuasive.

- a. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. See MPEP 2111 [R-I]

Interpretation of Claims-Broadest Reasonable Interpretation

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

b. Applicant's argument is stated as the prior art does not disclose a computer based system for bench-marking of business performance for high level summary of business results, particularly means to trigger bench-mark calculations which check reports for mapping changes to be reviewed by a user of the system.

In response to the argument, Examiner respectfully disagrees. The argument of the applicant is that Anand discloses a system to perform an analysis of a computer database, and does not disclose means to trigger bench-mark calculations. Anand, as interpreted by the examiner, discloses a system to analyze and generate reports for business database, including business information. As disclosed in the above 35 USC 102(b) rejection, Anand discloses a method to access and read data from a database containing business data. Anand then discloses alerts, which track the data in the database and triggers a response, in this case generating an appropriate report (column 3 lines 37-47, column 12 lines 35-44). The data being read and analyzed is from databases of business information (column 3 line 66 – column 4 line 34, column 5 lines 24-67).



As disclosed in column 10 lines 8-22 and column 12 lines 35-50, the alert triggers are based on data changes in a database triggering a certain threshold value, with the data in the database containing metadata utilized to associate and track data. As interpreted by the Examiner, the data changes when a process to read and analyze database data is the mapping changes that a user is alerted to, and it is via the alert messages that a user may review the alerts.

As disclosed above, Anand discloses reports being used during sign-off from the system to provide sign-off sheet categories in column 10 line 8 - column 11 line 20, column 17 line 47 - column 18 line 20, wherein the reports can be saved and the application closed to display a report. The data stored in the databases and the metadata to represent and associate with the database data is interpreted by the examiner to be business data showing business performance over a finite time (column 3 line 66 – column 4 line 34, column 5 lines 24-67), and thus discloses every limitation of independent claim 1.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANGELINO N. GORTAYO whose telephone number is (571)272-7204. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dangelino N Gortayo/  
Examiner, Art Unit 2168

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Examiner

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